

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 23 AUG 2004

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FOR FURTHER ACTION

See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)

Applicant's or agent's file reference
P200400797WO

International application No.
PCT/DK 03/00869

International filing date (day/month/year)
15.12.2003

Priority date (day/month/year)
18.12.2002

International Patent Classification (IPC) or both national classification and IPC
B65D41/34

Applicant
SUPERFOS PACKAGING AS et al.

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand

07.07.2004

Date of completion of this report

20.08.2004

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/DK 03/00869

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-6 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claim 1

The closest prior art is disclosed in the document US-A-4257526 (D1) which is correctly cited in the introductory part of the description.

In particular, D1 discloses a packaging including all features of the preamble of the present claim 1.

The problem to be solved by the present application can be seen in the provision of a more distinctive signal for the reclosure of the packaging which, nevertheless, ensures a secure sealing of the lid against the rim of the container.

The available prior art suggests a number of solutions to this problem which mainly consist in providing interengaging projections adjacent the threads on the container and of the lid, respectively.

The document US-A-4289248 (D2) discloses another solution, namely the provision of a pair of protrusions on the thread of the container and matching protrusions in the grooves between the threads of the lid (see Fig. 10 and 11).

The combination of the teachings of the documents D1 and D2 would, however, not result in a packaging as disclosed in the present claim 1.

In fact, the features of the characterising portion of claim 1 could be obtained by starting from the embodiment depicted in Fig. 23 of D1. To this end, another shallow region having the same depth as the region (142) would have to be provided along the surface (139) up to the opening of the groove and another projection having the same dimensions as the projection (132) would have to be provided on the other side of the thread portion (131) on the lid. Such a construction of the "click" generating means is neither derivable from D1 nor from D2 nor from any of the other available documents and is, apparently, not comprised in the general knowledge of the skilled man.

Accordingly, it appears that the present claim 1 meets the requirements of Article 33 (2), (3) and (4) PCT, since its subject-matter is novel, involves an inventive step and is capable of industrial applicability.

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Claims 2 to 6

The claims 2 to 6 are directly or indirectly dependent on claim 1 and, therefore, also meet the requirements of Article 33 (2), (3) and (4) PCT.

Additional observations

It appears that the wording used in the title, i.e. "packaging" would be more appropriate than the present wording "packing" (Article 6 PCT; clarity).